

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO <i>ex rel.</i>)	
State Engineer,)	
)	
Plaintiff,)	No. CV 07941 BB
)	
)	RIO CHAMA Stream System
)	
ROMAN ARAGON, <i>et al.</i> ,)	Sections 3, 5 and 7
)	
Defendants.)	
_____)	

**JOINT MOTION TO AMEND SCHEDULING ORDER
FOR FEDERAL NON-INDIAN WATER RIGHTS CLAIMS**

The State of New Mexico *ex rel* State Engineer (“State”) and the United States of America (“United States”) by and through their counsel, jointly move the Court to amend the March 1, 2005 Scheduling Order for Federal Non-Indian Water Rights Claims (Docket No. 7770), as amended October 31, 2005 (No. 8029) (jointly “Amended Scheduling Order”) to extend the deadlines for submitting a proposed Amended Consent Order determining the federal non-Indian, non-Wild and Scenic River claims (“Federal Proprietary Claims”) made by the United States in Section 5 of this adjudication by 210 days, and to extend the deadlines for the determination of the Federal Proprietary Claims made by the United States in Section 3 by 290 days. The grounds for this motion are as follows:

1. The Amended Scheduling Order required the State to issue proposed Consent Orders to the United States addressing each of the Federal Proprietary Claims made by the United States in **Section 5** of this adjudication, and also serve a copy of the proposed Consent Orders on counsel for the Gallina-Capulín Acequia Association, by November 30, 2005. By agreement of the parties, the State Engineer served the proposed Consent Order on the United

States and a copy on counsel for the Gallina-Capulin Acequia Association on December 15, 2005.

2. The Amended Scheduling Order provided for the United States to file objections, if any, to the State's proposed Consent Orders, and for any acequia within **Section 5**, if it has an objection, to file a Motion to Intervene by February 28, 2006. No objections or Motion to Intervene were filed. Instead, the United States notified the State that it may have additional federal proprietary claims in Section 5.

3. As reported in the State's June 23, 2006 Status Report for Federal Non-Indian Water Right Claims (No. 8299) the State and the United States conducted additional field inspections in the 2006 field season, which were completed by September 2006. However, the State and the United States require additional time to resolve any discrepancies in the descriptions and to obtain documentation regarding the priority of these additional claims.

4. The State and the United States therefore request an additional 210 days beyond the January 31, 2007 deadline set forth in the Court's December 4, 2006 Scheduling Order for Further Proceedings (No. 8505), to August 29, 2007, in which to serve a proposed Amended Consent Order on the United States addressing each of the additional Federal Proprietary Claims made by the United States in **Section 5** of this adjudication, and also serve a copy of the proposed Amended Consent Order on counsel for the Gallina-Capulin Acequia Association. The United States shall file objections, if any, to the additional claims in the State's proposed Amended Consent Order, and any acequia within **Section 5**, if it has an objection to the additional claims, shall file a Motion to Intervene by November 14, 2007.

5. The Amended Scheduling Order also provided that the State shall complete field inspections of the United States' claim sites in **Section 3** by October 2, 2006, submit proposed Consent Orders to the United States addressing each of the Federal Proprietary Claims made by

the United States in **Section 3** and also serve a copy of the proposed Consent Orders on counsel for the Asociacion de Acequias Nortenas de Rio Arriba, by January 31, 2007.

6. The State completed its initial field inspections of the United States' claim sites in Section 3 by October 2, 2006. However, the State and the United States require additional time to resolve any discrepancies in the descriptions of the United States' claims and to obtain documentation regarding the claimed priority dates of the United States' claims, which may require additional field inspections.

7. Therefore, the State and the United States request an additional 290 days beyond the January 31, 2007 deadline in the Amended Scheduling Order, to November 16, 2007, for the State to submit a proposed Consent Order to the United States addressing each of the Federal Proprietary Claims made by the United States in **Section 3** and also serve a copy of the proposed Consent Orders on counsel for the Asociacion de Acequias Nortenas de Rio Arriba. The United States shall file objections, if any, to the State's proposed Consent Orders, and any acequia within **Section 3**, if it has an objection, shall file a Motion to Intervene by January 31, 2008.

WHEREFORE, the parties request the Court to enter an Order:

- 1) vacating the deadlines for serving the proposed Amended Consent Order in Section 5 of this adjudication and for serving the proposed Consent Orders in Section 3 of this adjudication;
- 2) extending the deadlines for the State to serve a proposed Amended Consent Order in Section 5 to August 29, 2007, and for the United States to file objections and the Gallina-Capulin Acequia Association to file a Motion to Intervene on the additional claims to November 14, 2007; and
- 3) extending the deadlines for the State to serve a proposed Consent Order in Section 3 to November 16, 2007, and for the United States to file objections

and the Gallina-Capulin Acequia Association to file a Motion to Intervene to
January 31, 2008.

Respectfully submitted:

/s/Arianne Singer
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CERTIFICATE OF SERVICE

I hereby certify that on the 31st day of January 2007, I filed the foregoing electronically through the CM/EDF system.

/s/
Arianne Singer